

### REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims recite subject matter that is statutory under 35 U.S.C. § 101, comply with 35 U.S.C. § 112, and are not unpatentable under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicants will now address each of the issues raised in the outstanding Office Action.

#### Rejections under 35 U.S.C. § 112

Claims 1-14, 23 and 25 stand rejected under 35 U.S.C. § 112 because the Examiner believes that the term "anchor-heavy" is not defined by the claim and that the specification does not provide a standard for ascertaining the scope of the invention. The applicants respectfully disagree.

Anchor-heavy is described in the specification. Specifically, the specification states:

Whether or not (a node corresponding to) a component is "anchor-heavy"

will be based on the number of anchors versus the amount of non-anchor text (e.g., the number of non-anchor words) within the component.

Page 19, lines 18-21. Further, a number of clear examples of determining whether a component or node is anchor-heavy are also provided. For example, the specification states:

Recall that, generally speaking, a navigation bar can be thought of as text, such as a hyper-text link or anchor text for example, without any immediate content. To reiterate, this determination may be somewhat subjective. The following exemplary heuristic may be used to automate this determination. A node is considered to be a navigation bar if it is "anchor-heavy". To reiterate, anchors may be text defining a (e.g., hypertext) link, such as text that occurs inside an HREF line in HTML for example. **Whether or not (a node corresponding to) a component is "anchor-heavy" will be based on the number of anchors versus the amount of non-anchor text (e.g., the number of non-anchor words) within the component. In the exemplary heuristic, a node is considered to be "anchor-heavy" if it contains more than a predetermined number of anchors ( $> \text{min\_anchors}$ , where  $\text{min\_anchors}$  may be three or about three for example) and has more anchors (Recall block 320 of Figure 3.) than non-anchor words (Recall block 330 of Figure 3.).**

In one embodiment, if a particular anchor has more than a predetermined number of words

(> max\_words\_in\_anchor\_word, where max\_words\_in\_anchor\_word may be four or about four for example), those words are treated as non-anchor words in the forgoing determination. The rationale for this alternative adjustment is that an anchor with a relatively large number of words can be assumed to convey meaningful content (which is contrary to the definition of a navigation bar relevant to the exemplary embodiment of the invention).

Other heuristics for determining whether or not (a node corresponding to) a component is anchor-heavy may be used. For example, such (a node corresponding to) a component may be considered to be anchor-heavy if the number of anchors (or, alternatively, the number of anchor words) is greater than the amount of non-anchor text (e.g., the number of non-anchor words) in the component, or, in an alternative heuristic, whether or not the ratio of anchors (or, alternatively, anchor words) to non-anchor text (e.g., the number of non-anchor words) is greater than a predetermined value (e.g., one).  
[Emphasis added.]

Page 19, line 9 through page 20, line 18.

The MPEP explains:

The essential inquiry pertaining to this requirement [of clarity and precision] is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity.

Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

(A) The content of the particular application disclosure;

(B) The teachings of the prior art; and

(C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

MPEP § 2173.02. Using this test, the claims are reasonably clear and particular, especially in light of the examples provided in the disclosure.

In view of the foregoing, the claims are definite under 35 U.S.C. § 112, ¶ 2. Accordingly, the applicants respectfully request that the Examiner withdraw this ground of rejection.

Claims 4, 8 and 12 stand rejected under 35 U.S.C. § 112 because they include the terms "about three" and "about four," which the Examiner asserts are not defined by the claim and the specification do not provide a standard for ascertaining the scope of the invention. The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The fact that claim language, including terms of degree, may not be precise does not automatically render the claim indefinite. Rather, acceptability of claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification. (See, e.g., MPEP § 2173.05(b).) In this instance, the specification provides a standard which allows one skilled in the art to be reasonably apprised of the scope of the invention. Specifically, the specification states:

a navigation bar may be considered very small if its corresponding node has less than a predetermined number of anchors ( $\leq$  min\_anchors, **where min\_anchors may be three or about three for example**). The rationale for this test is that even if a part of a Web document corresponds to a navigation bar, if it doesn't occupy much space, it won't be objectionable since it won't occupy much space even on a smaller display screen. [Emphasis added.]

Page 20, lines 22-29. The specification further states:

if a particular anchor has more than a predetermined number of words ( $>$  max\_words\_in\_anchor\_word, **where max\_words\_in\_anchor\_word may be four or about four for example**), those words are treated as non-anchor words in the forgoing determination. The rationale for this alternative adjustment is that an anchor with a relatively large number of words can be assumed to convey meaningful content (which is contrary to the definition of a navigation bar relevant to the exemplary embodiment of the invention). [Emphasis added.]

Page 19, line 29 through page 20, line 6. Since the specification informs one skilled on the art of the rationale for using a minimum\_anchor or maximum\_words\_in\_anchor value, one skilled in the art would be reasonably apprised of the scope of the invention.

In view of the foregoing, the applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection.

Claims 1-26 stand rejected under 35 U.S.C. § 112, first paragraph, since the Examiner believes that the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility. The applicants respectfully submit that this ground of rejection should be withdrawn for the reasons discussed below with reference to the corresponding rejection under 35 U.S.C. § 101.

**Rejections under 35 U.S.C. § 101**

Claims 1-22 stand rejected under 35 U.S.C. § 101 because the Examiner believes that the claimed invention is directed to non-statutory subject matter. The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner states the claimed invention is so abstract and sweeping as to cover the method if practiced by a human using only pencil and paper, or as a mental process since they don't recite any machine-implemented steps. (Paper No. 3, pages 3 and 4.) The method claims have been amended to recite that they are machine-implemented methods. These amendments are supported, for example, by Figure 2 and page 14, line 7 through page 15, line 9. Accordingly, this ground of rejection should be withdrawn.

Claims 1-26 stand rejected under 35 U.S.C. § 101 because the Examiner contends that the claimed invention is not supported by either a specific and substantial

asserted utility or a well established utility. The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner asserts that it is not clear what a practical application or practical results of the claimed invention is. (Paper No. 3, page 4.) First, the applicants respectfully note that the Examiner has not made a *prima facie* showing of lack of utility. Specifically, the specification provides a specific and substantial exemplary utility (discussed below). If, however, as the Examiner contends, no specific and substantial utility is alleged, the MPEP states:

a *prima facie* showing must establish that it is more likely than not that a person of ordinary skill in the art would not consider that any utility asserted by the applicant would be specific and substantial. The *prima facie* showing must contain the following elements:

(i) An explanation that clearly sets forth the reasoning used in concluding that the asserted utility for the claimed invention is not both specific and substantial nor well-established;

(ii) Support for factual findings relied upon in reaching this conclusion; and

(iii) An evaluation of all relevant evidence of record, including utilities taught in the closest prior art.

MPEP § 2107 II (C)

However, to expedite the prosecution of this application, the applicants respectfully note that the specification states:

It is a goal of the present invention to provide a utility that could be used as a part of a re-authoring process. In this regard, it is a goal of the present invention to detect special components, such as navigation bars and/or objectionable navigation bars for example, of Web documents, so that such components may receive special treatment by a re-authoring process.

Page 6, lines 13-19. This passage clearly demonstrates one exemplary useful application of the present invention.

In view of the foregoing, the applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection.

#### **Rejections under 35 U.S.C. § 103**

Claims 1, 9, 15 and 18-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the paper "How can I find out how many hyperlinks there are on a page?" ("the Cluey Webpage"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

#### ***Claims 1, 9, 23 and 25***

Independent claims 1, 23 and 25 are not rendered obvious by the Cluey Webpage because the Cluey Webpage neither teaches, nor suggests, determining whether or not

each of a number of components of a document is anchor-heavy, wherein if the component is anchor-heavy, it is determined to be a navigation bar.

As the Examiner notes, the Cluey patent discusses counting links in a document. However, merely determining a number of links in an HTML document does not teach or suggest, determining if a document component (or even a document as the Examiner suggests) is anchor-heavy. That is, whether or not a document component is anchor-heavy is neither taught, nor suggested, by counting links in a document. For example, as discussed in one exemplary embodiment in the specification:

Whether or not (a node corresponding to) a component is "anchor-heavy" will be based on the number of anchors versus the amount of non-anchor text (e.g., the number of non-anchor words) within the component.

Page 19, lines 18-21. Noting that he is taking "the broadest **possible** definition" of the term "anchor-heavy," the Examiner indicates that he interprets "anchor-heavy" to be containing more than one anchor. (See Paper No. 3, page 2.) The Examiner's interpretation is improper as a matter of law, and is technically inaccurate as well.

The Examiner's unconstrained "broadest **possible** definition" interpretation of claim elements is improper. During prosecution, claims are to be given their broadest **reasonable** interpretation, consistent with both the specification and the understanding of one skilled in the

art. (See, e.g., MPEP 2111 and In re. Baker Hughes, Inc., 55 U.S.P.Q.2d 1149, 1152-4 (Fed. Cir. 2000).)

Second, as is clear from the specification, "anchor-heavy" is not simply a document containing more than one anchor. Both anchor and non-anchor text of a component are used.

Accordingly, independent claims 1, 23 and 25 are not rendered obvious by the Cluey Webpage for at least this reason. Since claim 9 depends from claim 1, it is similarly not rendered obvious by the Cluey Webpage.

Further, although the Examiner concedes that the Cluey Webpage does not disclose components that are then determined to be navigation bars, he attempts to compensate for this admitted deficiency by citing the applicants' own application. Specifically, the Examiner states:

it would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined if the component was a navigation bar based on the count of the anchors because **the definition by the applicant** of a navigation bar is said to be an area that is "anchor-heavy." [Emphasis added.]

Paper No. 3, page 6. The applicants respectfully note that the insight that a navigation bar is an area that is anchor-heavy belongs to the applicant -- it is not a part of the prior art! Moreover, as already discussed above, a mere count of links in a document does not equate to whether a component is anchor-heavy. Accordingly, independent claims 1, 23 and 25 are not rendered obvious by the Cluey Webpage for at least this reason. Since

claim 9 depends from claim 1, it is similarly not rendered obvious by the Cluey Webpage.

**Claims 15, 18-20, 24 and 26**

Independent claims 15, 24 and 26 are not rendered obvious by the Cluey Webpage because the Cluey Webpage neither teaches, nor suggests, (i) determining for each of a number of document components, whether or not the component is a navigation bar, and (ii) for each of the document components that is determined to be a navigation bar, determining whether or not the navigation bar is disqualified from being classified as an objectionable navigation bar.

As discussed above, the Cluey Webpage neither teaches, nor suggests, determining whether a document component is a navigation bar. Accordingly, these claims are similarly allowable over the Cluey Webpage.

Moreover, the Examiner concedes that the Cluey patent does not disclose determining whether or not the navigation bar is an objectionable navigation bar. To compensate for this admitted deficiency, the Examiner reasons, that:

it would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined if the component was a navigation bar or an objectionable navigation bar based on the count of the anchors because **the definition by the applicant** of navigation bar is said to be an area that is "anchor-heavy" and an objectionable navigation bar is said to be a navigation bar that contains too few anchors. [Emphasis added.]

Paper No. 7, pages 6 and 7. First, as discussed above, the applicants respectfully note that the insights gleaned from the applicants' own application belong to the applicant, and are not a part of the prior art. Moreover, as already discussed above, a mere count of links in a document does not equate to whether a component is anchor-heavy. Accordingly, independent claims 15, 24 and 26 are not rendered obvious by the Cluey patent for at least this reason. Since claims 18-20 depend, either directly or indirectly from claim 15, these claims are similarly not rendered obvious by the Cluey patent.

Furthermore, the Examiner's conclusion that an objectionable navigation bar is one that contains too few anchors is not accurate. For example, the specification of the current application states:

Once a navigation bar is detected, in some exemplary embodiments, the present invention may further function to distinguish objectionable navigation bars (i.e., navigation bars, the rendering of which would be objectionable to users without special re-authoring), from non-objectionable navigation bars (i.e., navigation bars which would not be objectionable to users with no special re-authoring). Naturally, deciding whether or not the way in which content is rendered would be objectionable to a user is a somewhat subjective endeavor. The present invention may distinguish objectionable navigation bars from non-objectionable navigation bars by:

- (a) determining whether the

navigation bar is so small that normal rendering would not be objectionable; (b) determining whether the navigation bar presumably conveys meaningful content; and/or (c) determining whether the navigation bar is a component of a non-objectionable navigation bar (where all components of the non-objectionable navigation bar are navigation bars themselves).

Page 12, line 18 through page 13, line 4. Accordingly, even if the Examiner could rely on the applicants' own application as prior art, the Examiner's rationale for modifying the Cluey Webpage is not supported.

Accordingly, independent claims 15, 24 and 26 are not rendered obvious by the Cluey patent for at least this additional reason. Since claims 18-20 depend, either directly or indirectly from claim 15, these claims are similarly not rendered obvious by the Cluey patent.

#### ***Claims 21 and 22***

Independent claim 21 is not rendered obvious by the Cluey Webpage because the Cluey Webpage neither teaches, nor suggests, (i) segmenting a document into components by generating a parse tree based on the document, wherein a first node corresponding to a first component is a child of a second node of a second component if the first component is included in the second component, (ii) for each of the nodes of the parse tree, determining whether or not the node corresponds to a navigation bar component, and (iii) for each of the nodes that is determined to correspond to a navigation bar, determining whether or not the navigation bar is disqualified from

being classified as an objectionable navigation bar. Frankly, the Examiner did not even address these features in his rejection of claim 21. Since the Examiner did not make a *prima facie* showing of obviousness with respect to claim 21, this ground of rejection should be withdrawn. Since claim 22 depends from claim 22, it is similarly allowable.

Claims 2-4, 6, 7, 10-12, 14, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Cluey Webpage in view of U.S. Patent No. 6,344,851 ("the Roberts patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Since the purported teaching of the Roberts patent fails to compensate for the deficiencies of the Cluey Webpage with respect to claims 1 and 15 above, this ground of rejection should be withdrawn for at least this additional reason.

Further, the cited portion of the Roberts patent concerns returning which pages of a Website or server contain a word. This has nothing whatsoever to do with the link counting discussed in the Cluey Webpage, nor does it suggest comparing a number of anchors (or even a number of links as the Examiner contends) and non-anchor words (or even a number of words as the Examiner contends) in a document component (or even in a document as the Examiner contends). Accordingly, one skilled in the art would not have been motivated to combine these references as proposed by the Examiner. Therefore, this

ground of rejection should be withdrawn for at least this additional reason.

**Conclusion**

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Respectfully submitted,

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